

REMARKS

Reconsideration is requested.

The specification has been amended to include a title Brief Description of the Drawings. Nothing further is believed to be required in response to the Examiner's comment on page 2 of the Office Action dated July 28, 2003 (Paper No. 9). The Examiner is requested to contact the undersigned however if otherwise.

The objection to claim 6 recited in paragraph 2 on page 3 of Paper 9 is obviated by the above. Withdrawal of the objection is requested.

The Section 112, second paragraph, rejection of claims 1-11 stated in paragraphs 4-6 of Paper No. 9 is obviated by the above amendments. Reconsideration and withdrawal of the rejection are requested.

The Section 102 rejection of claim 1 over U.S. Patent No. 5,612,044 (Suares, et al.), is traversed. Reconsideration and withdrawal of the rejection are requested in view of the following comments.

The document U.S. Patent No. 5,612,044 describes a cosmetic product for imparting natural appearing tan to skin. According to the specification, one of the objects of the invention is to provide a composition for self-tanning having improved rates of coloration and imparting a more natural hue. First and second substances are stored each in a separate compartment in a dual compartment dispenser. A combination of the first and second substances is spread on the skin. Each substance comprises a high percentage of water, significantly over 10%. The Examiner considers that either the ingredients of the treatment product, or amounts of the ingredients, or

amount of the treatment product or a pattern of application depend on the characteristics of the localized area of the body and/or a predetermined design.

The applicants do not agree with this analysis. The Examiner has not indicated where each element of the claimed invention is provided by the cited art. The applicants do not believe the Examiner has established that the claimed invention was taught by the cited art. Specifically, for example, according to U.S. Patent No. 4,612, 044, a constant combination of constant substances is applied. The passage of column 8, lines 31-36 recites that the formulation according to Table II is dispensed by extruding equal amounts of the DHA and amino-acid phases from their respective compartments onto human skin. Consequently, there is no adaptation as a function of characteristics of a localized area or of a predetermined design. The combination of the substances is not made directly on the skin but before it reaches the skin. Consequently, the applicant believe the cited patent is not relevant to the presently claimed invention. Withdrawal of the Section 102 rejection is requested.

The Section 103 rejection of claims 1-11 over Weber (U.S. Patent No. 6,341,831), traversed. Reconsideration and withdrawal of the rejection are requested in view of the following distinguishing comments.

The applicants submit that U.S. Patent No. 6,341,831 describes a skin decoration apparatus and method with highly detailed multicolored designs using a Wirejet or an electronically controlled ink injection or similar printing techniques. There is however no step of viewing an image of a chosen coloration or make-up design before application of the treatment products and on a support such as the screen 5 of the invention, other than the localized area of the skin. On the contrary, according to

PRUCHE, F. et al.
Appl. No. 10/069,460
December 29, 2003

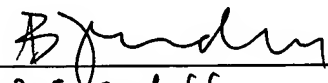
the invention, the process comprises, before applying the treatment product, viewing a chosen coloration or make-up design image on the screen, allowing a final checking by the user before applying the treatment product. Withdrawal of the Section 103 rejection is requested.

The claims are submitted to be in condition for allowance and a Notice to that effect is requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


B.J. Sadoff
Reg. No. 36,663

BJS:plb
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100